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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/945,072

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Tom R. Vandermeijden

3399P072

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26529

7590

01/03/2007

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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/945,072

Applicant(s)

VANDERMEIJDEN, TOM R.

Examiner

Md S. Elahee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 16-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/06, 12/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2614

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 10/10/2006. Claims 1-9 and 16-40 are pending. Claims 10-15 have been previously cancelled.

### ***Response to Arguments***

2. The arguments filed in the 10/10/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 2614

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-6, 8, 16-21, 23, 25-30, 32, 34-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Le Gendre** et al. (U.S. Patent No. 7,099,657) in view of **Miyashita** (U.S. Pub. No. 2002/0019225).

Regarding claims 1, 16 and 34, **Le Gendre** teaches a method of automatically populating a contact database in a mobile communication device configured to communicate voice and data over a wireless network, the method comprising, in response to a call event representing a voice call involving the mobile communication device:

receiving [i.e., obtaining] a telephone number associated with a voice call involving the mobile communication device (FIGURE; col.2, lines 17-18);

when a data connection is established between the mobile communication device and a data server [i.e., remote processing system] (FIGURE) via the wireless network, then automatically and without any user input obtaining information [i.e., data] associated with the telephone number via the wireless network (col.2, lines 19-24, col.3, lines 58-67, col.4, lines 1-3).

**Le Gendre** teaches a directory (col.3, lines 58-64). However, it is not clear whether **Le Gendre** teaches storing the data in the contact database. **Miyashita** teaches storing the directory data of records [i.e., data] in the storage unit [i.e., contact database] (page 2, paragraphs 0020, 0021) after **Le Gendre** teaches that such data is retrieved according to the telephone number. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2614

made to modify **Le Gendre** to store the data in the contact database in association with the telephone number as taught by Miyashita. The motivation for the modification is to have doing so in order to retrieve contact information from the storage whenever a person needs to contact without any inconvenience.

Regarding claims 2, 17 and 26, **Le Gendre** teaches receiving Caller-ID information including the telephone number and associated with an incoming call to the mobile communication device (col.2, lines 19-24, col.3, lines 58-64).

Regarding claims 3, 18 and 27, **Le Gendre** teaches obtaining a telephone number associated with an outgoing call being placed by a user of the mobile communication device (col.2, lines 19-24, col.3, lines 58-64).

Regarding claims 4, 19, 28 and 35, **Le Gendre** teaches attempting to locate the data associated with the telephone number in the contact database, wherein said obtaining data associated with the telephone number via the wireless network is performed only after failing to locate the data in the contact database (col.3, lines 58-67, col.4, lines 1-3).

Regarding claims 5, 20, 29 and 36, **Le Gendre** teaches an agent [i.e., browser] to allow a user of the mobile communication device to navigate hypermedia information, and wherein the obtaining the data associated with the telephone number via the wireless network is done automatically by the browser (col.2, lines 19-24, col.3, lines 53-64).

Regarding claims 6, 21, 30 and 37, **Le Gendre** teaches automatically requesting the data associated with the telephone number from a remote server via the wireless network when the data connection is established (col.2, lines 19-24, col.3, lines 58-67).

Art Unit: 2614

Regarding claims 8, 23, 32 and 39, **Le Gendre** teaches the obtained data associated with the telephone number comprising name or address information associated with the telephone number (col.3, line 65-col.4, line 1).

Claim 25 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

6. Claims 7, 22, 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Le Gendre et al.** (U.S. Patent No. 7,099,657) in view of **Miyashita** (U.S. Pub. No. 2002/0019225) further in view of **Ho et al.** (U.S. Pub. No. 2002/0194352).

Regarding claims 7, 22, 31 and 38, **Le Gendre** in view of **Miyashita** fails to teach “the obtained data associated with the telephone number is contained in a vCard”. **Ho** teaches the obtained data associated with the telephone number is contained in a vCard (page 3, paragraph 0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Le Gendre** in view of **Miyashita** to allow the obtained data associated with the telephone number is contained in a vCard as taught by **Ho**. The motivation for the modification is to have doing so in order to provide name and office telephone number.

7. Claims 9, 24, 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Le Gendre et al.** (U.S. Patent No. 7,099,657) in view of **Miyashita** (U.S. Pub. No. 2002/0019225) further in view of **Armanto et al.** (U.S. Patent No. 6,094,587).

Art Unit: 2614

Regarding claims 9, 24, 33 and 40, **Le Gendre** in view of **Miyashita** fails to teach “the obtained data associated with the telephone number comprising ring tone data for use to generate a ring tone indicating the incoming voice call”. **Armanto** teaches the obtained data associated with the telephone number comprising ring tone data for use to generate a ring tone indicating the incoming voice call (col.4, lines 21-24, col.7, lines 36-47, col.8, lines 25-30, col.15, lines 28-33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Le Gendre** in view of **Miyashita** to allow the obtained data associated with the telephone number comprising ring tone data for use to generate a ring tone indicating the incoming voice call as taught by **Armanto**. The motivation for the modification is to have doing so in order to provide distinctive ringing tone for a particular person.

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

December 21, 2006

  
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